

## Exhibit 65

Plaintiffs' Corrected Averment of Jurisdictional Facts and  
Evidence and/or Statement of Facts as to Defendant Al Rajhi Bank  
Pursuant to Rule 56.1

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(U) FAC No.: SDG-219773

(U) MEMORANDUM FOR R. RICHARD NEWCOMB  
DIRECTOR  
OFFICE OF FOREIGN ASSETS CONTROL

(U) THROUGH: [REDACTED]  
Chief, Foreign Terrorist Division

(U) FROM: [REDACTED]  
International Programs Division/OFAC

(S) [REDACTED] SUBJECT: Additional Designations Pursuant to E.O. 13224  
Al-Haramayn Kenya and Tanzania

(U) INTRODUCTION

(U) On September 23, 2001, President Bush declared a national emergency pursuant to the International Emergency Economic Powers Act ("IEEPA"), and issued Executive Order 13224 ("E.O. 13224" or "the E.O.") to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001, terrorist attacks in New York, Pennsylvania, and at the Pentagon. The E.O. imposes economic sanctions on persons who commit, threaten to commit, or support terrorism.<sup>a</sup>

(U) President Bush identified, in the Annex to E.O. 13224, certain individuals and entities as subject to the economic sanctions.<sup>b</sup> As amended, the E.O. authorizes the Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, to designate persons determined:

<sup>a</sup> The E.O. blocks all property and interests in property in the United States or within the possession or control of a U.S. person of any persons designated under its authority. In addition, it prohibits transactions or dealings by U.S. persons or within the United States in blocked property, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of designated persons.

<sup>b</sup> Twelve individuals and fifteen entities were originally named in the Annex on September 23, 2001. Executive Order 13268 of July 2, 2002 amended the Annex by adding one individual and one entity.

Derived by: [REDACTED]

Derived from [REDACTED]

Decl. on: [REDACTED]

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- 1) to be owned or controlled by, or to act for or on behalf of, those persons listed in the Annex to the E.O., or those persons determined to be subject to subsections 1(b), 1(c), or 1(d)(i) of the E.O.;
- 2) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to E.O. 13224 or determined to be subject to the E.O.; or
- 3) to be otherwise associated with those persons listed in the Annex, or those persons determined to be subject to subsections 1(b), 1(c), or 1(d)(i) of the E.O.

Al-Haramayn Foundation represents itself as an international humanitarian organization involved in fundraising, construction, relief, and educational projects. It orients its relief efforts exclusively towards Muslim populations in order to spread its conservative brand of Salafist ideology. The entire Al-Haramayn organization has long been suspected of providing various types of support to terrorist groups including Al-Qaeda, and its offices in Bosnia and Somalia were designated on March 11, 2002, pursuant to E.O. 13224, for providing support to Al-Qaeda. Al-Haramayn's offices in Kenya and Tanzania are similarly being recommended for designation for providing financial and material support to Al-Qaeda and Al-Itihaad Al-Islamiya, both of which were designated on September 23, 2001 as part of the Annex to E.O. 13224.

(U) Evidence presented in this memorandum and related exhibits provides reason to believe that the below listed entities meet the criteria for designation as set forth in E.O. 13224, based on their ties to Al-Qaeda and Al-Itihaad Al-Islamiya.

(U) IDENTIFIER INFORMATION

(U) Entities

(U) **AL HARAMAYN ISLAMIC FOUNDATION (KENYA) aka Islamic Services Center**

(U) AKAs

Al Haramain  
al Harameen  
el Haramcin  
Mu'assasat al Haramain al Khayriyya  
HIF  
HIFA

(U) Location(s)

Nairobi, Kenya  
Garissa, Kenya  
Daddab, Kenya

(U) **AL-HARAMAYN ISLAMIC FOUNDATION (TANZANIA)**

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~~TOP SECRET~~(U) AKAs

Al-Haramain  
 al Harameen  
 el Haramein  
 Mu'assasat al Haramain al Khayriyya  
 HIF  
 HIFA

(U) Location(s)

P. O. Box 3616, Dar es Salaam, Tanzania  
 P. O. Box 80, Iringa, Tanzania  
 Morogoro, Tanzania  
 Moshi, Tanzania  
 Majani Maoana St.  
 P.O. Box 803, Tanga, Tanzania  
 Singida, Tanzania  
 P. O. Box 307, Tanga, Tanzania

(U) BACKGROUND ON AL-HARAMAYN'S INTERNATIONAL ACTIVITIES AND  
BRANCH OFFICES

(S) [REDACTED] The Al-Haramayn Foundation (AHF) is one of the principal Islamic NGOs active throughout the world. AHF has been infiltrated by Al-Qaeda and has been used by al Qaeda for cover and concealment of assets and material, according to military reporting.<sup>1</sup> [Exhibit B, Exhibit C] AHF "belongs to" the Usamah Bin Ladin-established "World Front of the Jihad Against Jews and Christians," which includes the Egyptian Gama Al-Islamiya, the Egyptian Islamic Jihad (EIJ), the Abu Sayyaff Group (ASG) and the Harakat Ul Ansar of Pakistan, according to military reporting.<sup>2</sup> [REDACTED] All these organizations are Specially Designated Global Terrorists pursuant to E.O. 13224.

(S) [REDACTED] Prior to the removal of the Taliban from power in Afghanistan, AHF had links to the UBL-financed Makhtab al-Khidmat (MK). [REDACTED] MK is a Specially Designated Global Terrorist pursuant to E.O. 13224.<sup>3</sup> [Exhibit E]

[REDACTED]

[REDACTED]

(S) [REDACTED] In one instance later in 2003, a journalist suspected of meeting with Al-Qaeda and Taliban members in Afghanistan was also suspected of transferring funds on behalf of the Al-

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Qaeda-affiliated AHF and forwarding videotapes from Al-Qaeda leaders to al-Jazeera TV for broadcast [REDACTED] In mid-April 2002, AHF was "involved with" a group of sixty Afghan persons "trained to attack Westerners," [REDACTED]

(U) BASES FOR DESIGNATION

[REDACTED]

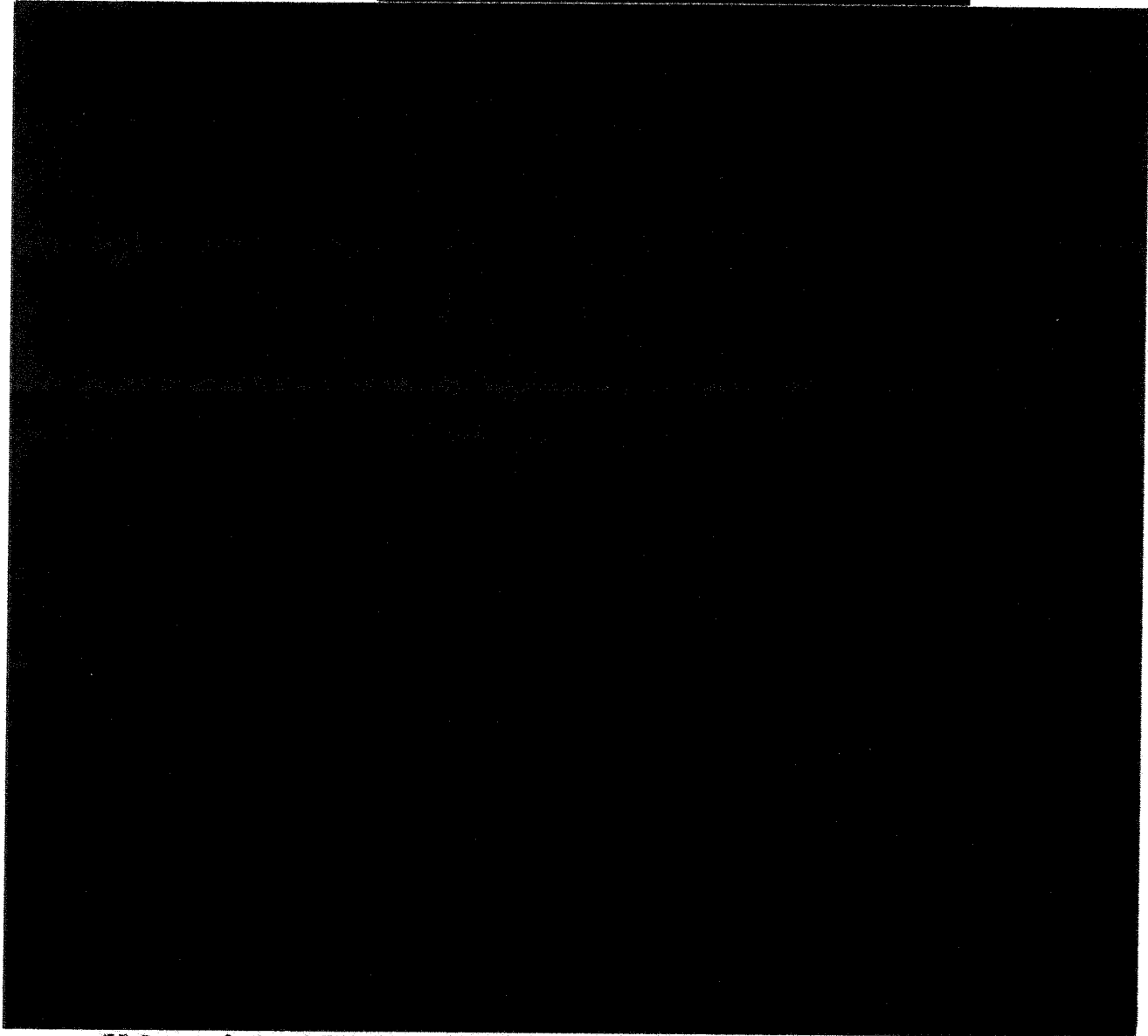
(U) Support for Acts of Terrorism

[REDACTED] AHF officials in Kenya and Tanzania have been actively involved in supporting the planning and carrying out of terrorist attacks against US and Western targets, as well as other acts of violence. AHF's role appears to be to provide financial and logistical assistance to those who intend to conduct the attacks. Examples include:

[REDACTED]

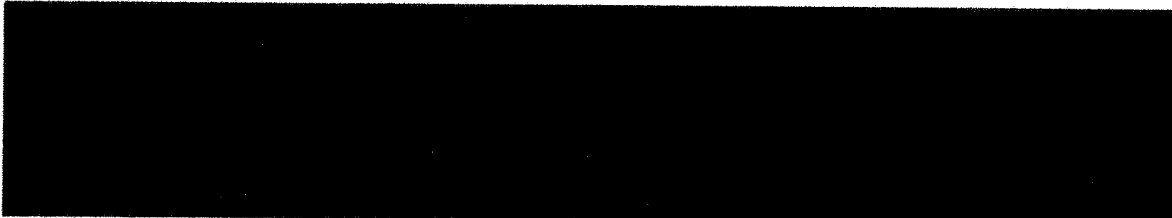
~~TOP SECRET~~ [REDACTED]

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(U) Support for Specially Designated Global Terrorist Organizations

(S) [REDACTED] included below are examples of AHF Kenya and Tanzania providing support to Al-Itihaad Al-Islamiya and to Al-Qaeda.



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- In late November 1997, based on information that Islamic activists associated with AHF were planning to an attack on the U.S. Embassy in Nairobi, Kenyan authorities arrested ten AHF staff members and deported them. The ten, including Abu Abdul Malik, an Algerian serving as an AHF project manager, were reportedly suspected of aiding the Al Itihaad Al Islamiya (AIAI) an organization designated as a Specially Designated Global Terrorist pursuant to E.O. 13224. According to Embassy contacts, AHF's numerous charitable activities in northeast Kenya provide a useful cover for sending funds and supplies to AIAI. These activities included the use of mosques in Garissa and Mandera where the imam or other officials allegedly have ties to AIAI. One Embassy contact was told by [REDACTED] AHF sent weapons and ammunition to AIAI during the August 1996 fighting near the town of Luuq in Somalia. AHF allegedly transported the material on board relief flights that took off from Nairobi's Wilson Airport.<sup>22</sup> [REDACTED]
- [REDACTED] [Exhibit CC] As of late January 2003, the AHF office in Nairobi, Kenya had changed its name to the Islamic Services Center. [REDACTED] [Exhibit FF] As of early February 2003, [REDACTED] the AHF offices removed all visible markings of their association with AHF, according to sensitive reporting.<sup>23</sup> [REDACTED]

(U) CONCLUSION

(S) [REDACTED] Based on the foregoing information, there is reason to believe that:

- The AHF offices in Kenya and Tanzania act for or on behalf of, and/or assist, sponsor or provide financial, material or technological support for, or financial or other services to, and/or are otherwise associated with entities subject to E.O. 13224, including Al-Qaeda and AIAI.

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(U) EXHIBIT LIST

Exhibit A: Voice of America News Correspondent Report 2 297104 December 4, 2002

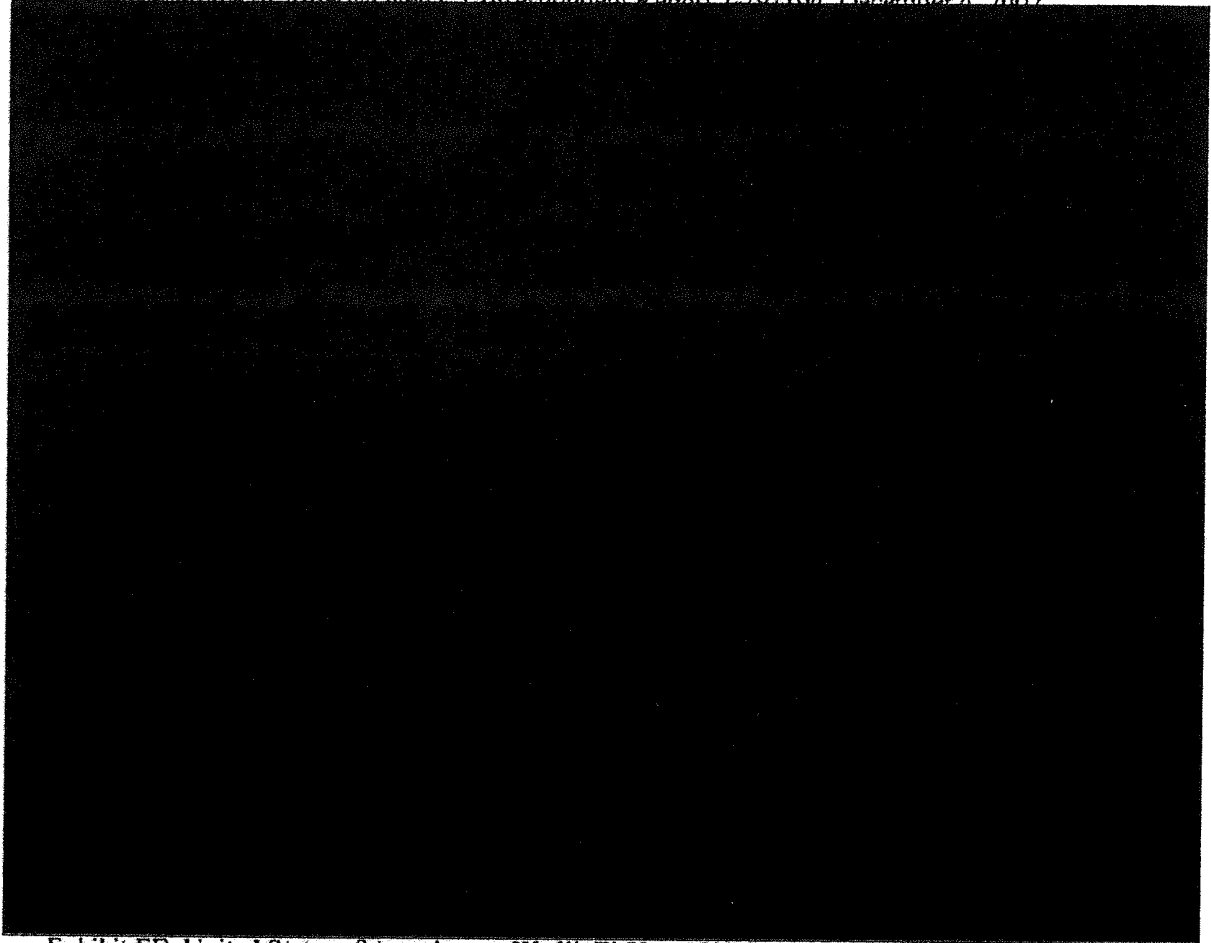
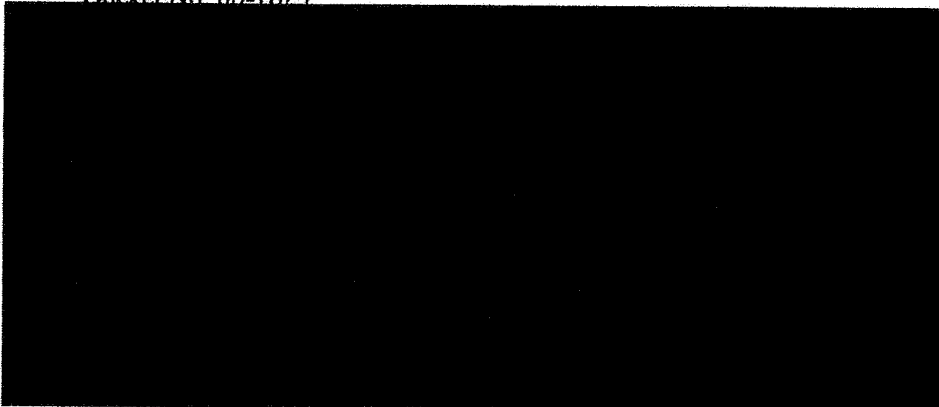


Exhibit EE: United States of America vs. Wadhi El-Hage, US Second Circuit Court of Appeals,  
Docket No. 00-1025




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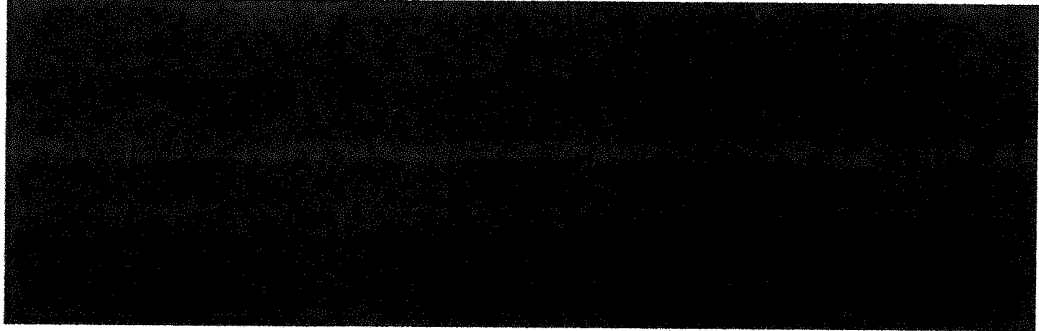
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<sup>10</sup> Exhibit A: Voice of America News, Correspondent Report 2-297104, December 4, 2002; Associated Press, "Al Qaeda behind Kenya Attacks" December 3, 2002.



<sup>10</sup> Exhibit EE: United States of America vs. Wadih El-Hage, US Second Circuit Court of Appeals, Docket No. 00-1025.



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